

IC 34-25.5-3

Chapter 3. Service and Return of Writ

IC 34-25.5-3-1

Delivery of writ to sheriff

Sec. 1. If the writ is directed to the sheriff, the clerk shall deliver it to the sheriff without delay.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-2

Writs directed to any other person; delivery and service by sheriff

Sec. 2. If the writ is directed to any other person, the writ shall be delivered to the sheriff. The sheriff shall serve the writ by delivering the writ to the person without delay.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-3

Service of writ by leaving at residence or affixing in conspicuous place

Sec. 3. If the person to whom a writ is directed cannot be found or refuses admittance to the sheriff, the writ may be served by:

- (1) leaving the writ at the residence of the person to whom the writ is directed; or
- (2) affixing the writ on some conspicuous place, either at the person's dwelling house or where the party is confined or under restraint.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-4

Return of writ required

Sec. 4. The sheriff or other person to whom the writ is directed shall return the writ immediately and if the person to whom the writ is directed refuses after due service to return the writ, the court shall enforce obedience by attachment.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-5

Return of writ; requisites

Sec. 5. The return must be signed and verified by the person making it, who shall state the following:

- (1) The authority or cause of the restraint of the applicant in the custody of the person to whom the writ is directed.
- (2) If the authority is in writing, the person to whom the writ is directed shall return a copy and produce the original at the hearing.
- (3) If the person to whom the writ is directed has had the applicant in custody or under restraint, and has transferred the applicant to another, the person to whom the writ is directed shall state to whom, the time, place, and cause of the applicant's transfer.

The person to whom the writ is directed shall produce the applicant at the hearing unless prevented by sickness or infirmity, which must be shown in the return.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-6

Issuance of writ or process by clerk of court; time for service and return

Sec. 6. (a) All writs and other process authorized under this article shall be issued by the clerk of the court, and, except summonses, sealed with the seal of the court.

(b) Documents described in subsection (a) shall be served and returned immediately unless the court or judge specifies a particular time for the return.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-7

Immaterial defects in writ or process

Sec. 7. A writ or other process shall not be disregarded for any defect if enough is shown to notify the officer or person to whom the writ is directed of the purpose of the process.

As added by P.L.1-1998, SEC.21.

IC 34-25.5-3-8

Amendments to writ; temporary commitments

Sec. 8. The court may allow amendments to a writ, and temporary commitments, when necessary.

As added by P.L.1-1998, SEC.21.